

REMARKS

This Supplemental Amendment is further to the Response To Office Action dated October 7, 2009, and in response to the Office Action dated July 7, 2009. Claims 11, 12, 15 and 18 to 20 are in the application, with Claims 11, 19 and 20 being independent. Claims 11, 19 and 20 have been amended. Reconsideration and further examination are respectfully requested.

In the Office Action, Claims 11, 12, 18, 19 and 20 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2002/0122194 (Kuwata) in view of U.S. Patent No. 6,198,553 (Yamamoto) and U.S. Patent No. 6,148,092 (Qian), and further in view of U.S. Patent No. 7,274,400 (Hyodo). Claim 15 was rejected under 35 U.S.C. § 103(a) over Kuwata in view of Yamamoto, Qian and Hyodo, and further in view of U.S. Patent No. 6,975,437 (Takemoto).

In this regard, Applicant wishes to thank the Examiner for the courtesies and thoughtful treatment accorded Applicant's representative during the November 12, 2009 telephonic interview.

During the interview, Applicant's representative argued that the applied references of Kuwata, Yamamoto, Qian, Hyodo and Takemoto are not seen to disclose or suggest at least the claimed features that (i) a first RGB color space corresponding to the first color space conversion condition is different from a second RGB color space corresponding to the second color space conversion condition, the second RGB color space having a color gamut wider than that of the first RGB color space, (ii) in a case where it is determined that the photographing mode is the person photographing mode, the first color space conversion condition is selected, and (iii) the number of bits of the image data

converted by using the first color space conversion condition is the same as the number of bits of the image data converted by using the second color space conversion condition.

The Examiner was unwilling to agree that the current § 103(a) rejections should be withdrawn. In particular, the Examiner directed attention to column 3, line 55 to column 4, line 5 of Qian, which discloses that "since brightness is not important for characterizing skin colors under the normal lighting conditions, the image 10 is transformed by a transformation 12 (filter) to the chromatic color space. Chromatic colors (r, g), known as 'pure' colors in the absence of brightness, are generally defined by a normalization process". Further, the cited portion of Qian discloses that the effect of the transformation 12 is to map the three dimensional RGB image 10 to a two dimensional rg chromatic color space representation.

In this regard, the Examiner contended that since three-component RGB data is mapped to two components of r and g, a narrower gamut is used for color space in Qian. The Examiner therefore took the position that Qian discloses the claimed feature that, in a case where it is determined that the photographing mode is the person photographing mode, the first color space conversion condition is selected. Accordingly, the Examiner alleged that Kuwata, Yamamoto, Qian, Hyodo and Takemoto disclose foregoing features (i) to (iii).

Reconsideration and withdrawal of the current § 103(a) rejections are nevertheless again respectfully requested, particularly in view of the amendments above.

In addition to foregoing features (i) to (iii), Claim 11 as amended provides that (iv) both the image data converted by using the first color space conversion condition and the image data converted by using the second space conversion condition have

three-component data of R-component data, G-component data and B-component data. The applied references of Kuwata, Yamamoto, Qian, Hyodo and Takemoto are not seen to disclose or suggest at least features (i) to (iv).

As understood by Applicant, Qian discloses that a face location is detected from an image captured by an acquisition device 8. Qian is seen to consider that brightness is not important for characterizing skin colors under normal light conditions. See Qian, column 3, lines 52 to 61. In Qian, RGB color data (or YIQ color data) representing the image is converted into rg color data, it is judged whether the rg color data corresponds to skin colors, and the face location in the image is determined by using the judged result. See Qian, column 3, lines 40 to 45.

As such, Qian is seen to disclose that the YIQ color data is converted into the rg color data. However, Qian is not seen to disclose or suggest that the YIQ color data of Qian is converted into the RGB color data. It is Applicant's understanding that since Qian aims to detect the face location, Qian does not take into account a brightness component. Further, an output value in Qian is not seen to correspond with data representing colors.

Qian is therefore not seen to disclose or suggest that both image data converted by using a first color space conversion condition and image data converted by using a second space conversion condition have three-component data of R-component data, G-component data and B-component data.

Accordingly, the applied references of Kuwata, Yamamoto, Qian, Hyodo and Takemoto are not seen to disclose or suggest that (i) a first RGB color space corresponding to the first color space conversion condition is different from a second RGB

color space corresponding to the second color space conversion condition, the second RGB color space having a color gamut wider than that of the first RGB color space, (ii) in a case where it is determined that the photographing mode is the person photographing mode, the first color space conversion condition is selected, (iii) the number of bits of the image data converted by using the first color space conversion condition is the same as the number of bits of the image data converted by using the second color space conversion condition, and (iv) both the image data converted by using the first color space conversion condition and the image data converted by using the second space conversion condition have three-component data of R-component data, G-component data and B-component data.

Claim 11 is therefore believed to be allowable over the applied references.

In addition, independent Claims 19 and 20 as amended are apparatus and storage medium claims, respectively, which generally correspond to method Claim 11. Accordingly, Claims 19 and 20 are believed to be allowable for the same reasons.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied reference for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

/John D. Magluyan/
John D. Magluyan
Attorney for Applicant
Registration No.: 56,867

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCBS_WS 4281692v1